

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HELSINN HEALTHCARE S.A. and )  
ROCHE PALO ALTO LLC, )  
 )  
Plaintiffs, )  
v. ) No. 1:15-cv-00264-GMS  
 )  
HOSPIRA, INC., ) **PUBLIC VERSION**  
 )  
Defendant. )

**DECLARATION OF DOMINICK T. GATTUSO  
IN SUPPORT OF DEFENDANT’S OPPOSITION TO  
PLAINTIFFS’ MOTION TO STAY THE SECOND-FILED CASE  
IN THE DISTRICT OF DELAWARE**

I, Dominick T. Gattuso, declare under perjury and penalty that:

1. I am a member of the bar of the State of Delaware. I am admitted to practice before this Court. I am a partner at Proctor Heyman Enerio LLP, 300 Delaware Ave., Suite 200, Wilmington, DE 19801. I am counsel for Defendant Hospira, Inc. in this matter.
2. I submit this declaration in support of Hospira, Inc.’s Opposition to Plaintiffs’ Motion to Stay the Second-Filed Case in the District of Delaware, submitted herewith.
3. Attached as Exhibit 1 hereto is a true and correct, publicly-filed copy of Plaintiffs’ Amended Complaint for Patent Infringement, D.I. 22 (Case No. 3:15-cv-2077-MLC-DEA), filed on June 30, 2015 in the District Court for the District of New Jersey.
4. Attached as Exhibit 2 hereto is a true and correct copy of Defendants Hospira, Inc. and Hospira Worldwide, Inc.’s Notice of Motion to Dismiss, D.I. 32 (Case No. 3:15-cv-2077-MLC-DEA), filed on November 13, 2015 in the District Court for the District of New Jersey.

5. Attached as Exhibit 3 hereto is an excerpt taken from a true and correct copy of the Final Pretrial Order, D.I. 299 (Case No. 3:11-cv-3962-MLC-DEA), filed on April 29, 2015 in the District Court for the District of New Jersey.

6. Attached as Exhibit 4 hereto is a true and correct copy of Plaintiffs' Complaint for Patent Infringement, D.I. 1 (Case No. 3:15-cv-7378-MLC-DEA), filed on October 8, 2015 in the District Court for the District of New Jersey.

Executed this 28<sup>th</sup> day of December, 2015, in Wilmington Delaware. I declare under penalty of perjury that the foregoing is true and correct.

  
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Dominick T. Gattuso